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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against,

Case No. 800-2018-044605

14 **TOD HAGINS, M.D.**  
15 **3920 Washington St.**  
**Weirton WV 26062-5343**

**DEFAULT DECISION**  
**AND ORDER**

16 **Physician's and Surgeon's Certificate No. C**  
17 **149131**

[Gov. Code §11520]

18 Respondent.

19  
20 **FINDINGS OF FACT**

21 1. On or about October 3, 2018, Complainant Kimberly Kirchmeyer, in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs, filed Accusation No. 800-2018-044605 against Tod Hagins, M.D. (Respondent) before  
24 the Medical Board of California.

25 2. On or about May 4, 2017, the Medical Board of California (Board) issued Physician's  
26 and Surgeon's Certificate No. C 149131 to Respondent. The Physician's and Surgeon's Certificate  
27 was in full force and effect at all times prior to August 8, 2018. Effective August 8, 2018,  
28 Respondent's California license was suspended pursuant to section 2310 of the Code.

1 Respondent's California license remains suspended, and will expire on March 31, 2019, unless  
2 renewed. (Exhibit Packet, Exhibit 1<sup>1</sup> Certificate of Licensure.)

3 3. On or about March 12, 2018, a Criminal Information was filed against Respondent in  
4 the United States District Court for the Northern District of West Virginia, in the matter of *United*  
5 *States of America v. Tod Hagins, M.D.*, Case No. 5:18-CR-00007, alleging Respondent conspired  
6 to distribute a controlled substance outside the course of professional practice, healthcare fraud  
7 and money laundering. On April 16, 2018, in the United States District Court, Northern District  
8 of West Virginia, in the matter of *United States of America v. Tod Hagins, M.D.*, Case No. 5:18-  
9 CR-00007, Respondent pled guilty to one felony count of Conspiracy to Distribute a Controlled  
10 Substance Outside the Course of Professional Practice in violation of 21 U.S.C. sections  
11 841(a)(1), 841(b)(1)(C) and 846, one felony count of Health Care Fraud in violation of 18 U.S.C.  
12 section 1347, and one felony count of Money Laundering in violation of 18 U.S.C. section 1956  
13 (a)(1)(B)(i). On or about April 20, 2018, the Pennsylvania State Board of Medicine issued an  
14 Order of Temporary Suspension and Notice of Hearing, whereby Respondent's license was  
15 suspended based on the Criminal Information filed in Case No. 5:18-CR-00007; on Respondent's  
16 guilty pleas to the Information; and the Court Order accepting Respondent's Guilty Pleas. On or  
17 about May 14, 2018, the Pennsylvania State Board of Medicine issued an Order Continuing  
18 Immediate Temporary Suspension. (Exhibit Packet, Exhibit 2, Accusation, related documents,  
19 and Declaration of Service.)

20 4. On or about October 3, 2018, an employee of the Board, served by Certified and First  
21 Class Mail a copy of the Accusation No. 800-2018-044605, Statement to Respondent, Request for  
22 Discovery, Notice of Defense (2 copies), Government Code sections 11507.5, 1507.6, and  
23 11507.7, A Manual of Model Disciplinary Orders and Model Disciplinary Guidelines, and  
24 Uniform Standards for Substance-Abusing Licensees to Respondent's address of record with the  
25 Board, which was and is 3920 Washington St. Weirton WV 26062-5343. (Exhibit Packet,  
26  
27

28 <sup>1</sup> The evidence in support of this Default and Order is submitted herewith as the "Exhibit Packet."

1 Exhibit 2, Accusation, related documents, and Declaration of Service.) Respondent did not  
2 respond to the Accusation.

3 5. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c).

5 6. On October 26, 2018, an employee of the Attorney General's Office served by  
6 Certified and First Class mail addressed to Respondent at 3920 Washington St. Weirton WV  
7 26062-5343 a Courtesy Notice of Default. The Courtesy Notice of Default with a copy of the  
8 Accusation and Notice of Defense advised Respondent that he was in default; that he should take  
9 immediate action and file a Notice of Defense; and cautioned her that a decision would be  
10 rendered by the Board without hearing if he did not take action. (Exhibit Packet, Exhibit 3  
11 Courtesy Notice of Default, related documents, and Declaration of Service.)

12 7. On or about November 15, 2018, the aforementioned documents were returned by the  
13 U.S. Postal Service marked "Not Deliverable as Addressed, Unable to Forward." (Exhibit  
14 Packet, Exhibit 4, U.S. Postal Service Returned Envelope.)

15 8. A second address, 109 Avalon Ests Steubenville, OH 43953-3777 was obtained by  
16 the Board through Lexis Nexis. On November 21, 2018, an employee of the Board served by  
17 Certified and First Class Mail copy of the Accusation No. 800-2018-044605, Statement to  
18 Respondent, Request for Discovery, Notice of Defense (2 copies), Government Code sections  
19 11507.5, 1507.6, and 11507.7, A Manual of Model Disciplinary Orders and Model Disciplinary  
20 Guidelines, and Uniform Standards for Substance-Abusing Licensees to Respondent at 109  
21 Avalon Ests Steubenville, OH 43953-3777. (Exhibit Packet, Exhibit 5, Accusation Packet served  
22 on Respondent.)

23 9. On December 20, 2018, the Board sent to the Attorney General's office a signed U.S.  
24 Postal Service Certified Mail Receipt confirming receipt of the Accusation Packet served to  
25 Respondent at 109 Avalon Ests Steubenville, OH 43953-3777 (Exhibit Packet, Exhibit 6, U.S.  
26 Postal Service Certified Mail Receipt.) Respondent has not responded to the Accusation.

10. On January 9, 2019, A Second Courtesy Notice of Default was served to Respondent at 109 Avalon Estates Steubenville, OH 43953-3777. (Exhibit Packet, Exhibit 7, Second Courtesy Notice of Default.)

**STATUTORY AUTHORITY**

11. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

12. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

13. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-2018-044605.

14. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

15. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the

1 federal government, that would have been grounds for discipline in California of a licensee under  
2 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action  
3 for unprofessional conduct against the licensee in this state.”

4 16. Section 141 of the Code states:

5 "(a) For any licensee holding a license issued by a board under the jurisdiction of the  
6 department, a disciplinary action taken by another state, by any agency of the federal government,  
7 or by another country for any act substantially related to the practice regulated by the California  
8 license, may be a ground for disciplinary action by the respective state licensing board. A  
9 certified copy of the record of the disciplinary action taken against the licensee by another state,  
10 an agency of the federal government, or another country shall be conclusive evidence of the  
11 events related therein.

12 "(b) Nothing in this section shall preclude a board from applying a specific statutory  
13 provision in the licensing act administered by that board that provides for discipline based upon a  
14 disciplinary action taken against the licensee by another state, an agency of the federal  
15 government, or another country."

16 17. Pursuant to its authority under Government Code section 11520, the Board finds  
17 Respondent is in default. The Board will take action without further hearing and, based on  
18 Respondent's express admissions by way of default and the evidence before it, contained in the  
19 Exhibit Packet, Exhibits 1, 2, 3, 4, 5, 6, and 7, finds that the allegations in Accusation No. 800-  
20 2018-046406 are true.

### 21 **DETERMINATION OF ISSUES**

22 Pursuant to the foregoing Findings of Fact, Respondent's conduct, and the actions of the  
23 United States District Court, Northern District of West Virginia, constitute cause for discipline  
24 within the meaning of Business and Professions Code sections 2305 and 141 (a).


### 25 **ORDER**

26 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 149131, heretofore  
27 issued to Respondent Tod Hagins, M.D., is **REVOKED**.  
28

1 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
2 written motion requesting that the Decision be vacated and stating the grounds relied on within  
3 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
4 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

5 This Decision shall become effective on March 21, 2019, at 5:00 p.m.

6 It is so ORDERED February 19, 2019.

7  
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9 \_\_\_\_\_  
10 Kimberly Kirchmeyer, Executive Director  
11 FOR THE MEDICAL BOARD OF CALIFORNIA  
12 DEPARTMENT OF CONSUMER AFFAIRS

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1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3873  
6 Facsimile: (415) 703-5480  
7 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO October 3 2018  
BY K. Wong ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-044605

13 **Tod Hagins, M.D.**  
14 **3920 Washington St.**  
15 **Weirton, WV 26062-5343**

**ACCUSATION**

16 **Physician's and Surgeon's Certificate**  
17 **No. C 149131,**

Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
21 Affairs (Board).

22 2. On or about May 4, 2017, the Medical Board issued Physician's and Surgeon's  
23 Certificate Number C 149131 to Tod Hagins, M.D. (Respondent). The Physician's and Surgeon's  
24 Certificate was in full force and effect at all times prior to August 8, 2018. Effective August 8,  
25 2018, Respondent's California license was suspended pursuant to section 2310 of the Code.  
26 Respondent's California license remains suspended, and will expire on March 31, 2019, unless  
27 renewed.  
28

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."



1       7. Section 2236 of the Code provides that the conviction of any offense substantially  
2 related to the qualifications, functions or duties of a physician and surgeon constitutes  
3 unprofessional conduct.

4       8. Section 802.1 of the Code provides that a physician charged with a felony must report  
5 the charge to the Medical Board within 30 days. The licensee must also report a conviction of  
6 any felony or misdemeanor within 30 days of the conviction.

7                               **FIRST CAUSE FOR DISCIPLINE**

8                   **(Discipline, Restrictions, and Limitations Imposed by Another State)**

9       9. On or about March 12, 2018, a Criminal Information was filed against Respondent in  
10 the United States District Court for the Northern District of West Virginia, in the matter of *United*  
11 *States of America v. Tod Hagins, M.D.*, Case No. 5:18-cr-00007, alleging Respondent conspired  
12 to distribute a controlled substance outside the course of professional practice, healthcare fraud  
13 and money laundering. On or about April 20, 2018, the Pennsylvania State Board of Medicine  
14 issued an Order of Temporary Suspension and Notice of Hearing whereby Respondent's license  
15 was suspended based on the Criminal Information filed in Case No. 5:18-cr-00007; on  
16 Respondent's guilty pleas to the Information; and the Court Order accepting Respondent's Guilty  
17 Pleas. On or about May 14, 2018, the Pennsylvania State Board of Medicine issued an Order  
18 Continuing Immediate Temporary Suspension.

19       A copy of the Order of Temporary Suspension and Notice of Hearing, Petition for  
20 Immediate Temporary Suspension and Order Continuing Immediate Temporary Suspension are  
21 attached as Exhibit A.

22       10. Respondent's conduct and the action of the Pennsylvania State Board of Medicine as  
23 set forth in paragraph 9, above, constitute cause for discipline pursuant to sections 2305 and/or  
24 141 of the Code.

25                               **SECOND CAUSE FOR DISCIPLINE**

26                   **(Criminal Conviction/Unprofessional Conduct)**

27       11. On April 16, 2018, in the United States District Court, Northern District of West  
28 Virginia, in the matter of *United States of America v. Tod Hagins, M.D.*, Case No. 5:18-cr-00007,

1 Respondent pled guilty to one felony count of Conspiracy to Distribute a Controlled Substance  
2 Outside the Course of Professional Practice in violation of 21 U.S.C. sections 841(a)(1),  
3 841(b)(1)(C) and 846, one felony count of Health Care Fraud in violation of 18 U.S.C. section  
4 1347, and one felony count of Money Laundering in violation of 18 U.S.C. section 1956  
5 (a)(1)(B)(i).

6 12. Respondent's criminal convictions constitute unprofessional conduct and the  
7 conviction of crimes substantially related to the qualifications, functions or duties of a physician  
8 and surgeon, are cause for discipline pursuant to Business and Professions Code sections 2234  
9 and/or 2236.

10 13. Respondent failed to report either the filing of the criminal charges or the criminal  
11 convictions as required by section 802.1. Respondent's failure to report either the filing of the  
12 criminal charges or the criminal convictions constitutes unprofessional conduct and is cause for  
13 discipline pursuant to section 2234.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Medical Board of California issue a decision:


17 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 149131,  
18 issued to Tod Hagins, M.D.;

19 2. Revoking, suspending or denying approval of Tod Hagins, M.D.'s authority to  
20 supervise physician assistants and advanced practice nurses;

21 3. Ordering Tod Hagins, M.D., if placed on probation, to pay the Board the costs of  
22 probation monitoring; and

23 4. Taking such other and further action as deemed necessary and proper.

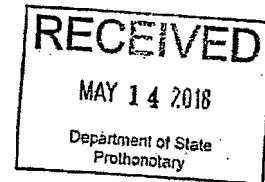
24  
25 DATED: October 3, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit A**  
**Case No. 800-2018-044605**

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE



Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs

v.

Tod Hagins, M.D.  
Respondent

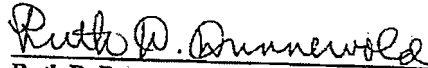
Docket No. 0843-49-18  
File No. 18-49-03583

**ORDER CONTINUING IMMEDIATE TEMPORARY SUSPENSION**

AND NOW, this 14<sup>th</sup> day of May, 2018, upon consideration of the evidence presented at the preliminary hearing in this matter on this date, the Commonwealth has established a prima facie case supporting the allegations in the Commonwealth's Petition for Immediate Suspension. It is therefore **ORDERED** that the immediate temporary suspension of the license to practice medicine and surgery in the Commonwealth of Tod Hagins, M.D., Respondent, license no. MD430273, as ordered by the Probable Cause Screening Committee of the State Board of Medicine ("Board") on April 20, 2018, shall remain in effect until otherwise ordered by the Board, but in no event longer than 180 days, as required by the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. § 422.1 *et seq.*, at section 40(a), 63 P.S. § 422.40(a).

It is further **ORDERED** that the file in this matter is **CLOSED**.

**BY ORDER:**

  
Ruth D. Dunnewold  
Hearing Examiner

*For the Commonwealth:*

Keith E. Bashore, Esquire  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

DEPARTMENT OF STATE OFFICE OF CHIEF COUNSEL  
PROSECUTION DIVISION  
P.O. Box 69521  
Harrisburg, PA 17106-9521

*For Respondent:*

John A. Schwab, Esquire  
PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP  
38<sup>th</sup> Floor  
One Oxford Centre  
Pittsburgh, PA 15219

*Date of mailing:*

5/14/18

COP

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

PRO. NOTARY

2018 APR 20 AM 11:03

Department of State

Commonwealth of Pennsylvania,  
~~Bureau of Professional and~~  
Occupational Affairs  
vs.

File No.: 18-49-03583

Tod Hagins, M.D.,  
Respondent

Docket No: 0843 -49-18

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 20<sup>th</sup> day of April, 2018, upon review of the Petition for Temporary Suspension of the license to practice as a medical physician and surgeon held by **Tod Hagins, M.D.** (*hereinafter* "Respondent"), license number MD430273, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health and safety. Therefore in accordance with Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the license to practice as a medical physician and surgeon issued to the Respondent, license number MD430273, along with any other

authorizations to practice the profession issued by the Board to Respondent, are **TEMPORARILY SUSPENDED** upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with Section 44 of the Act, 63 P.S. § 422.44.

#### **PRELIMINARY HEARING**

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

### ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and ~~other authorizations to practice the profession issued by the Board through the filing of a charging~~ document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

### PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be



stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

---

Prothonotary  
Pennsylvania Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105  
717-772-2686

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

Keith E. Bashore, Prosecuting Attorney  
Pennsylvania Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521

**BY ORDER:  
BEFORE THE STATE BOARD OF  
MEDICINE PROBABLE CAUSE  
SCREENING PANEL**

---

**Charles A. Castle,  
M.D.  
Committee Member**

*Charles A. Castle*  
**APPROVE** Immediate Temporary  
Suspension

**DENY** Immediate Temporary  
Suspension

**RECUSE FROM DECISION**

**John M. Mitchell,  
L.P., C.C.P.  
Committee Member**

**APPROVE** Immediate Temporary  
Suspension

**DENY** Immediate Temporary  
Suspension

**RECUSE FROM DECISION**

**Board Counsel:**

Wesley J. Rish (A-L) or Peter D. Kovach (M-Z)

**For the Commonwealth:**

Keith E. Bashore, Prosecuting Attorney  
Pennsylvania Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521

**Respondent:**

Tod Hagins, M.D.  
109 Avalon Estates  
Wintersville, OH 43953

**File No.:**

18-49-03583

**Date of Issuance:**

*April 20, 2018*

**BY ORDER:  
BEFORE THE STATE BOARD OF  
MEDICINE PROBABLE CAUSE  
SCREENING PANEL**

---

**Charles A. Castle,  
M.D.**  
Committee Member

APPROVE Immediate Temporary  
Suspension

DENY Immediate Temporary  
Suspension

RECUSE FROM DECISION

**John M. Mitchell,  
L.P., C.C.P.**  
Committee Member

  
APPROVE Immediate Temporary  
Suspension

DENY Immediate Temporary  
Suspension

RECUSE FROM DECISION

Board Counsel:

Wesley J. Rish (A-L) or Peter D. Kovach (M-Z)

For the Commonwealth:

Keith E. Bashore, Prosecuting Attorney  
Pennsylvania Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521

Respondent:

Tod Hagins, M.D..  
109 Avalon Estates  
Wintersville, OH 43953

File No.:

18-49-03583

Date of Issuance:

April 20, 2018

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

PROHIBITORY  
2018 APR 20 AM 11:02  
Department of State

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs  
vs.

File No.: 18-49-03583

Tod Hagins, M.D.,  
Respondent

Docket No: 0843 -49-18

**PETITION FOR IMMEDIATE TEMPORARY SUSPENSION**

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Keith E. Bashore, petitions the State Board of Medicine (*hereinafter* "Board") for the immediate temporary suspension of the license to practice as a medical physician and surgeon issued to Tod Hagins, M.D. (*hereinafter* "Respondent"), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board to Respondent at the time this Petition is Granted, pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act") as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent holds the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no.: MD430273.
3. Respondent's license was originally issued on October 13, 2006, is current through December 31, 2018, and, absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.

5. Respondent's last known address on file with the Board is: 109 Avalon Estates,  
Wintersville, OH 43953.

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**COUNT ONE**

6. Paragraphs 1 through 5 are incorporated by reference.

7. On or about March 12, 2018, a Criminal Information ("Information") was filed in the United States District Court for the Northern District of West Virginia in the matter of United States of America v. Tod Hagins, M.D. at Criminal No. 5:18cr7.

8. A true and correct copy of the Information is attached and incorporated as **Exhibit A**.

9. Count One of the Information charged Respondent with the felony offense of Conspiracy to Distribute Controlled Substances Outside the Bounds of Professional Medical Practice, in violation of 21 U.S.C. §§841(a)(1), 841(B)(1)(C), and 846.

10. Annotated in paragraph 2 under the "Background of the Conspiracy" section for Count One of the Information is the following: "The defendant Tod Hagins is a physician who was authorized by the Drug Enforcement Administration (DEA) to prescribe Schedule II, III and IV controlled substances and was authorized by the Substance Abuse and Mental Health Services Administration (SAMHSA) to prescribe suboxone, subutex and buprenorphine, Schedule III controlled substances, for the purpose of treating patients for opioid addiction."

11. Annotated in paragraph 8 under the "Background of the Conspiracy" section for Count One of the Information is the following: "The defendant Tod Hagins provided Individuals 1 through 3 with prescriptions for controlled substances which were outside the bounds of

medical practice and without legitimate medical purpose for sale to others for street value in exchange for a share of the proceeds from the drug sales."

12. Annotated in paragraph 10 under the "Manner and Means" section for Count One of the Information is the following: "The defendant Tod Hagins, utilizing the DEA registration numbers assigned to him for the purpose of prescribing Schedule II, III and IV controlled substances to his patients in the course of treatment in his general medical practice and his drug addiction treatment center, provided individuals 1 through 3 with prescriptions for oxycodone, a Schedule II controlled substance, from the building in Weirton, West Virginia which housed his general medical practice and the Weirton Suboxone Clinic and from his home in Wintersville, Ohio, for the express purpose of having Individuals 1 through 3 fill the written prescriptions at local pharmacies in West Virginia and Ohio, sell the oxycodone to others for street value, and share the proceeds of the drug sales with the defendant Tod Hagins."

13. Annotated in paragraph 11 under the "Manner and Means" section for Count One of the Information is the following: "Individuals 1 through 3 did fill the written prescriptions for oxycodone written by the defendant Tod Hagins at local pharmacies, sold some of the oxycodone to others for street value, retained some of the oxycodone for their own personal consumption, and shared some of the oxycodone with the defendant Tod Hagins."

14. Annotated in paragraph 12 under the "Manner and Means" section for Count One of the Information is the following: "Individuals 1 through 2 then paid the defendant Tod Hagins an agreed upon amount per pill in cash. Upon receipt of his share of the proceeds of the drug distribution, the defendant Tod Hagins provided new prescriptions for oxycodone to Individuals 1 through 3."

15. Annotated in paragraph 13 under the "Manner and Means" section for Count One of the Information is the following: "The prescriptions the defendant Tod Hagins provided to Individuals 1 through 3 were written without a legitimate medical purpose and outside the usual course of professional practice."

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16. Count Two of the Information charged Respondent with the felony offense of Healthcare Fraud, in violation of 18 U.S.C. §1347.

17. Count Three of the Information charged Respondent with the felony offense of Money Laundering, in violation of 18 U.S.C. §1956(a)(1)(B)(i).

18. On or about April 16, 2018, a guilty plea agreement was filed in the United States District Court for the Northern District of West Virginia in the matter of United States of America v. Tod Hagins, M.D. at Criminal No. 5:18cr7.

19. A true and correct copy of the guilty plea agreement referenced in paragraph 18 is attached and incorporated as **Exhibit B**.

20. As referenced in the guilty plea agreement, Respondent agreed to plead guilty to Counts One through Three of the Information.

21. On or about April 16, 2018, the United States District Court for the Northern District of West Virginia issued an Order in the matter of United States of America v. Tod Hagins, M.D. at Criminal No. 5:18cr7.

22. A true and correct copy of the Order referenced in paragraph 21 is attached and incorporated as **Exhibit C**.

23. As referenced in the aforementioned Order, the Court accepted the Respondent's guilty plea to Counts One through Three of the Information.

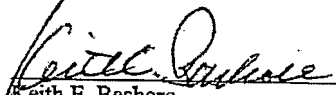
24. As referenced in the aforementioned Order, the Court deferred adjudging the Respondent guilty of the crimes charged in Counts One through Three of the Information until the time of sentencing of Respondent.

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25. Based upon the foregoing factual allegations, the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent an immediate and clear danger to the public health and safety.

**WHEREFORE**, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license to practice as a medical physician and surgeon, license number MD430273, pursuant to the authority granted to it pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a).

Respectfully submitted,

  
Keith E. Bashore  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State  
P.O. Box 69521  
Harrisburg, PA 17106-9521  
(717) 783-7200

DATE: 4/18/18



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

FILED  
MAR 12 2018  
U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

UNITED STATES OF AMERICA,	Criminal No.
Plaintiff,	5:18 cr 7
v.	Stamp
TOD HAGINS, M.D.	Violations:
Defendant.	18 U.S.C. § 1347 18 U.S.C. § 1956(a)(1)(B)(i) 21 U.S.C. § 841(a)(1) 21 U.S.C. § 841(B)(1)(C) 21 U.S.C. § 846

INFORMATION

The United States Attorney charges that;

COUNT ONE

(Conspiracy to Distribute Controlled Substances Outside the Bounds of Professional Medical Practice)

*Objects of the Conspiracy*

Between in or about at 2012, through at least on or about September 13, 2016, within the Northern Judicial District of West Virginia and elsewhere, the defendant **TOD HAGINS, M.D.**, together with Individual 1, Individual 2 and Individual 3, who are co-conspirators not charged herein, did unlawfully, willfully, intentionally, and knowingly combine, conspire, confederate and agree and have a tacit understanding with each other and with other persons known and unknown, to commit certain offenses against the United States, to wit as follows:

1. To engage in the business of knowingly distributing and causing to be distributed controlled substances without a legitimate medical purpose and outside the usual course of professional

EXHIBIT  
A

practice in violation of Title 21, United States Code, Section 841(a)(1).

*Background of the Conspiracy*

2. The defendant **TOD HAGINS** is a physician who was authorized by the Drug Enforcement Administration (DEA) to prescribe Schedule II, III and IV controlled substances and was authorized by the Substance Abuse and Mental Health Services Administration (SAMHSA) to prescribe suboxone, subutex and buprenorphine, Schedule III controlled substances, for the purpose of treating patients for opioid addiction. The defendant **TOD HAGINS** was assigned certain DEA registration numbers for those purposes.
3. The defendant **TOD HAGINS** operated a general medical practice known as Tod Hagins, M.D., PLLC at 3920 Washington Street, Weirton, West Virginia. In the regular course of treating patients at his general medical practice, the defendant **TOD HAGINS** prescribed Schedule II, III and IV controlled substances.
4. The defendant **TOD HAGINS** also operated a drug addiction treatment center known as the Weirton Suboxone Clinic at that same location. In the regular course of treating patients at his drug addiction treatment center, the defendant **TOD HAGINS** prescribed Schedule III controlled substances including suboxone, subutex and buprenorphine.
5. Individual 1 was a former patient of the defendant **TOD HAGINS** who sought treatment for pain from the defendant **TOD HAGINS** at his general medical practice known as Tod Hagins, M.D., PLLC.
6. Individual 2 was a social friend of the defendant **TOD HAGINS**.
7. Individual 3 was a former patient of the defendant **TOD HAGINS** who sought treatment for heroin addiction from the defendant **TOD HAGINS** at the Weirton Suboxone Clinic.
8. The defendant **TOD HAGINS** provided Individuals 1 through 3 with prescriptions for controlled substances which were outside the bounds of medical practice and without

legitimate medical purpose for sale to others for street value in exchange for a share of the proceeds from the drug sales.

9. The scheme to distribute controlled substances occurred at a time when the defendant **TOD HAGINS** was operating the Weirton Suboxone Clinic and holding himself out to be physician with a board certification in addiction medicine.

*Manner and Means*

In order to accomplish the foregoing objects of the conspiracy to engage in the illegal distribution of controlled substances without a legitimate medical purpose and outside the usual course of professional practice, the defendant **TOD HAGINS** and Individuals 1 through 3 used the following manner and means, among others:

10. The defendant **TOD HAGINS**, utilizing the DEA registration numbers assigned to him for the purpose of prescribing Schedule II, III and IV controlled substances to his patients in the course of treatment in his general medical practice and his drug addiction treatment center, provided Individuals 1 through 3 with prescriptions for oxycodone, a Schedule II controlled substance, from the building in Weirton, West Virginia which housed his general medical practice and the Weirton Suboxone Clinic and from his home in Wintersville, Ohio, for the express purpose of having Individuals 1 through 3 fill the written prescriptions at local pharmacies in West Virginia and Ohio, sell the oxycodone to others for street value, and share the proceeds of the drug sales with the defendant **TOD HAGINS**.

11. Individuals 1 through 3 did fill the written prescriptions for oxycodone written by the defendant **TOD HAGINS** at local pharmacies, sold some of the oxycodone to others for street value, retained some of the oxycodone for their own personal consumption, and shared some of the oxycodone with the defendant **TOD HAGINS**.

12. Individuals 1 through 3 then paid the defendant **TOD HAGINS** an agreed upon amount per pill in cash. Upon receipt of his share of the proceeds of the drug distribution, the defendant **TOD**

HAGINS provided new prescriptions for oxycodone to Individuals 1 through 3.

13. The prescriptions the defendant TOD HAGINS provided to Individuals 1 through 3 were written without a legitimate medical purpose and outside the usual course of professional practice.

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All in violation of Title 21, United States Code, Sections 841(a)(1), 841(B)(1)(C) and 846.

**COUNT TWO**  
(Healthcare Fraud)

**Operation of the Medicaid Program**

1. ~~Medicaid was a welfare program co-funded by the United States and state governments.~~  
The Medicaid program was established to provide necessary and appropriate health care to the poor and impoverished who are aged, blind or disabled and members of families with dependent children. Individuals insured by Medicaid were known as "recipients." Medicaid was "Federal health care program" as defined in 42 U.S.C. § 1320a-7b(f) and a "health care benefit program" as defined in 18 U.S.C. § 24(b).

2. In the State of West Virginia, the Medicaid program was administered by the West Virginia Department of Health and Human Resources through the Bureau for Medical Services.

3. Medicaid only paid for services and items, such as prescriptions, which were considered medically necessary, performed within accepted medical standards, and were rendered for a legitimate medical purpose.

**The Scheme**

4. As set forth in Count One of this Information, the defendant **TOD HAGINS**, utilizing the DEA registration numbers assigned to him for the purpose of prescribing Schedule II, III and IV controlled substances to his patients in the course of treatment in his general medical practice and his drug addiction treatment center, provided individuals including Individual 1 with prescriptions for oxycodone, a Schedule II controlled substance, for the express purpose of filling the written prescriptions at local pharmacies and selling the oxycodone to others for street value in exchange for a share of the drugs and drug proceeds.

5. Individual 1 was insured by West Virginia Medicaid. As part of the scheme to distribute the oxycodone obtained from the prescriptions written by the defendant **TOD HAGINS**, the defendant **TOD HAGINS** and Individual 1 agreed that the defendant **TOD HAGINS** would write two

monthly prescriptions for oxycodone pills, one not to exceed the maximum amount of oxycodone pills West Virginia Medicaid would pay for, and one for the remaining amount of pills, so that Individual I could fill one prescription using West Virginia Medicaid and have West Virginia Medicaid pay for a portion of the pills the defendant **TOD HAGINS** and Individual I were illegally distributing.

6. It was part of the scheme that the defendant **TOD HAGINS** did provide prescriptions for oxycodone, a Schedule II controlled substance, to Individual I which were without a legitimate medical purpose and outside the usual course of professional practice.

7. It was further part of the scheme that in doing so, the defendant **TOD HAGINS** caused claims to be submitted to Medicaid for reimbursement to pharmacies for the illegal prescriptions written and provided by the defendant **TOD HAGINS** to Individual I.

8. It was part of the scheme that Individual I did use West Virginia Medicaid and have West Virginia Medicaid pay for a portion of the pills the defendant **TOD HAGINS** and Individual I were illegally distributing.

9. As a result of the scheme, the defendant **TOD HAGINS** did knowingly and willfully execute and attempt to execute the above-described scheme to defraud Medicaid, a health care benefits program, in connection with the delivery of and payment for healthcare benefits, items and services by means of materially false and fraudulent pretenses, representations and promises, money owned by and under the custody and control of the health care benefits program, that is, by causing Medicaid to transmit health care benefit program funds to pharmacies for the payments of illegal prescriptions.

10. On or about the dates listed below, in the Northern District of West Virginia and elsewhere, the defendant **TOD HAGINS** did knowingly and willfully execute and attempt to execute the above-described scheme to defraud Medicaid, a health care benefit program, in connection with the delivery of and payment for health care benefits, items and services by causing Medicaid to transmit health care benefit program funds to pharmacies in the approximate amounts listed below, which funds

were for prescriptions written by the defendant **TOD HAGINS** to Individual 1 which were not medically necessary and which were written without a legitimate medical purpose and outside the usual course of professional practice:

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DATE	AMOUNT
03/30/2015	\$49.53
04/27/2015	\$52.91
05/26/2015	\$49.53
06/22/2015	\$49.53
07/20/2015	\$52.91
08/17/2015	\$52.91
10/12/2015	\$55.91
11/09/2015	\$25.54
12/07/2015	\$55.91
01/04/2016	\$55.91
02/01/2016	\$55.91
02/29/2016	\$37.35
03/28/2016	\$62.40
04/25/2016	\$61.25
07/18/2016	\$59.26
08/15/2016	\$32.86

All in violation of Title 18, United States Code, Section 1347.

**COUNT THREE**  
**(Money Laundering)**

1. On or about July 12, 2016, within the Northern District of West Virginia, the defendant ~~TOD HAGINS did knowingly conduct and attempt to conduct a financial transaction affecting~~ interstate commerce, that is, he deposited the sum of \$4,000.00 into a business equity line of credit, account number xxxxxx4525, held in the name of Tod Hagins, M.D.

2. The \$4,000.00 deposited in the business equity line of credit, account number xxxxxx4525, involved in whole or in part the proceeds of a specified unlawful activity, that is, the illegal distribution of controlled substances without a legitimate medical purpose and outside the usual course of professional practice, as charged in Count One of this Information.

3. The defendant TOD HAGINS did so knowing that the transaction was designed in whole or in part to conceal and disguise the nature and source of the proceeds of the specified unlawful activity, namely, the illegal distribution of controlled substances without a legitimate medical purpose and outside the usual course of professional practice, and that the property involved in the financial transaction represented the proceeds of some form of unlawful activity.

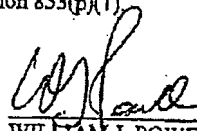
All in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).



**FORFEITURE ALLEGATION**

(Controlled Substance Act)

1. Pursuant to Title 21, United States Code, Section 853 and Title 21, United States Code, Section 846, the government will seek the forfeiture of property as part of the sentence imposed in this case, that is, the forfeiture of any property used, or intended to be used, to commit or to facilitate the commission of the above referenced offense, and any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense, and a money judgment in the amount of at least \$130,160.00.
2. Pursuant to Title 18, United States Code, Section 982(b)(1), and Title 28, United States Code, Section 2461(c), the government will seek forfeiture of substitute property up to the value of property subject to direct forfeiture that is not available for forfeiture on account of any act or omission contemplated by Title 21, United States Code, Section 853(p)(1).

  
WILLIAM J. POWELL  
United States Attorney

Sarah E. Wagner  
Assistant United States Attorney



United States Department of Justice

United States Attorney's Office  
Northern District of West Virginia

Donk W. Heringpillar Federal Building  
320 West Pike Street Phone: (304) 623-7030  
Suite 300 FAX: (304) 623-7031  
Clarksburg, WV 26301

February 20, 2018

**VIA EMAIL:**

John A. Schwab  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
One Oxford Centre, 38th Floor  
Pittsburgh, PA 15219

Re: United States v. Tod Hagins

5:18-CR-7

Dear Mr. Schwab:

The purpose of this letter is to extend a plea offer to your client, Tod Hagins. It is agreed between the United States and your client as follows.

1. Dr. Hagins will plead guilty to the attached Information charging him with one count of conspiracy to distribute a controlled substances outside the course of professional practice in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 846, one count of healthcare fraud in violation of Title 18, United States Code, Section 1347, and one count of money laundering in violation of Title 18, United States Code, Section 1956(A)(1)(B)(i).

2. The maximum penalty to which Dr. Hagins will be exposed by virtue of his plea of guilty to the Information as stated in paragraph 1 above, is, for Count One, a imprisonment for a term not more than 20 years, a fine of not more than \$250,000.00, and a period of supervised release of not more than 3 years; for Count Two, imprisonment for a term not more than 10 years, a fine of not more than \$250,000.00, and a period of supervised release of not more than 3 years; for Count Three, imprisonment for a term not more than 20 years, a fine of not more than \$500,000.00 and a period of supervised release of not more than 3 years; and a special mandatory assessment of \$100.00 (18 U.S.C. § 3013) for each count which must be paid before the date of sentencing by money order or certified check, made payable to the United States District Court.

Tod Hagins

3/8/18  
Date

John A. Schwab  
Counsel for Dr. Hagins

3-8-18  
Date

EXHIBIT  
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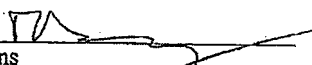
John A. Schwab  
February 20, 2018  
Page 2

3. Dr. Hagins will be completely forthright and truthful with federal officials in the Northern District of West Virginia and elsewhere with regard to all inquiries made of him and will give signed, sworn statements and grand jury and trial testimony relative thereto. Dr. Hagins will agree to submit to a polygraph examination if requested to do so by the United States Attorney's Office for the Northern District of West Virginia. Nothing contained in any statement or any testimony given by Dr. Hagins, pursuant to paragraph 4, will be used against him as the basis for any subsequent prosecution by the United States.

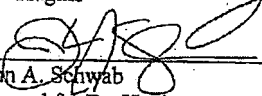
4. It is understood that any information obtained from Dr. Hagins in compliance with this cooperation agreement will be made known to the sentencing Court although, pursuant to Guideline 1B1.8, such information may not be used by the Court in determining Dr. Hagins's applicable advisory guideline range. Such information may be used by the Court, the probation office and the United States to support the United States' contention that Dr. Hagins's offense level, before any reductions for acceptance, is a level 28. Furthermore, if, in the opinion of the United States Attorney's Office, Dr. Hagins breaches this plea agreement, then any statement by Dr. Hagins made pursuant to this plea agreement and any evidence derived therefrom, directly or indirectly, may be used against him without limitation. The United States agrees not to pursue any other federal crimes known to the United States as of the date of this plea agreement. However, this agreement does not prevent Dr. Hagins from being prosecuted for any other violations of other Federal and state laws he may have committed should evidence of any such violations be obtained from an independent legitimate source, separate and apart from that information and testimony being provided by him pursuant to this agreement. In addition, nothing contained in this agreement shall prevent the United States from prosecuting Dr. Hagins for perjury or the giving of a false statement to a federal agent, if such a situation should occur by virtue of him fulfilling the conditions of paragraph 3 above.

5. At final disposition, the United States will advise the Court of Dr. Hagins's forthrightness and truthfulness, or failure to be forthright and truthful, and ask the Court to give the same such weight as the Court deems appropriate.

6. There have been no representations whatsoever by any agent or employee of the United States, or any other law enforcement agency, as to what the final disposition in this matter should and will be. This agreement includes nonbinding recommendations by

  
Tod Hagins

3/8/18  
Date

  
John A. Schwab  
Counsel for Dr. Hagins

3-8-2018  
Date

John A. Schwab  
February 20, 2018  
Page 3

the United States, pursuant to Rule 11(c)(1)(B). Dr. Hagins understands, however, that the Court is not bound by these sentence recommendations, and that Dr. Hagins has no right to withdraw a guilty plea if the Court does not follow the sentencing recommendations set forth in this plea agreement.

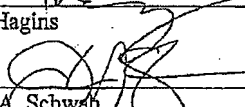
7. Provided Dr. Hagins pays the \$100.00 special assessment fees on or before the day of sentencing, and provided the United States Probation Office recommends, the United States will make the following nonbinding recommendations: 1) if, in the opinion of the United States Attorney's Office, Dr. Hagins accepts responsibility, or if the probation office recommends a two-level reduction for "acceptance of responsibility," as provided by Guideline 3E1.1, the United States will concur in the recommendation; and 2) if applicable, should Dr. Hagins give timely and complete information about his own involvement and provide timely notice of his intent to plead guilty, permitting the United States to avoid trial preparation, and comply with all the requirements of this agreement, the United States will recommend an additional one level for timely acceptance of responsibility if this agreement is signed and returned to the United States Attorney's Office by 12:00 p.m. on March 9, 2018; and 3) the United States will recommend that any sentence of incarceration imposed should be within the applicable guideline range.

8. If, in the opinion of the United States, Dr. Hagins either engages in conduct defined under the Application Notes 4(A) through (K) of Guideline 3C1.1, fails to cooperate as promised, fails to pay the special assessment prior to the sentencing hearing, or violates any other provision of this plea agreement, including providing a complete and truthful debriefing, then the United States will not be bound to make the foregoing recommendations, and Dr. Hagins will not have the right to withdraw the plea.

9. Pursuant to Sections 6B1.4 (Stipulations (Policy Statement)) and 1B1.3 (Relevant Conduct), the parties stipulate, with respect to Count One, that between in or about 2012 through at least on or about September 13, 2016, within the Northern Judicial District of West Virginia, including at the premises located at 3920 Washington Street, Weirton, West Virginia, Dr. Hagins, along with others, did unlawfully, willfully, intentionally, and knowingly combine, conspire, confederate and agree and have a tacit understanding with each other and with other persons known and unknown, to engage in the business of knowingly distributing and causing to be distributed controlled substances without a legitimate medical purpose and outside the usual course of professional practice

  
\_\_\_\_\_  
Tod Hagins

3/8/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John A. Schwab  
Counsel for Dr. Hagins

3-8-2018  
\_\_\_\_\_  
Date



John A. Schwab  
February 20, 2018  
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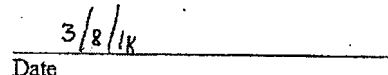
in violation of Title 21, United States Code, Sections 841(a)(1), 841(B)(1)(C) and 846. The parties further stipulate that Dr. Hagins's relevant drug conduct is 80 kg - 100 kg marijuana equivalent and that a two level enhancement applies pursuant to USSG § 2D1.1(b)12 for maintaining a drug involved premise.

The parties further stipulate, with respect to Count Two, that between in or about at least March 30, 2015 through on or about September 13, 2016, within the Northern Judicial District of West Virginia, Dr. Hagins, did knowingly and willfully execute and attempt to execute a scheme to defraud Medicaid in connection with the delivery of and payment for health care benefits, items and services by causing Medicaid to transmit health care benefit program funds to pharmacies for prescriptions without a legitimate medical purpose and outside the usual course of professional practice in violation of Title 18, United States Code, Section 1347. The parties further stipulate that Dr. Hagins's base offense level is 6 pursuant to USSG §§ 2B1.1(a)(2) and (b)(1)(A).

The parties further stipulate, with respect to Count Three, that on or about July 12, 2016, within the Northern District of West Virginia, Dr. Hagins did knowingly deposit the sum of \$4,000.00 into a business equity line of credit held, account number xxxxxx4525 in the name of Tod Hagins, M.D., that the sum of \$4,000.00 involved in whole or in part the proceeds of a specified unlawful activity, that is, the illegal distribution of controlled substances outside the bounds of professional medical practice and without legitimate medical purpose, as charged in count one of this indictment and that Dr. Hagins knew that the transaction was designed in whole or in part to conceal and disguise the nature and source of the proceeds of the specified unlawful activity, namely, the illegal distribution of controlled substances without a legitimate medical purpose and outside the usual course of professional practice, and that the property involved in the financial transaction represented the proceeds of some form of unlawful activity. The parties further stipulate that Dr. Hagins base offense level pursuant to USSG § 2S1.1(a)(1) is 24 (the offense level for his underlying drug offense), that a two-level enhancement applies pursuant to USSG § 2S1.1(b)(2)(B) applies for a conviction under 18 U.S.C. § 1956, and that a two level enhancement applies pursuant to USSG § 3B1.1 for abuse of position of trust.

10. The United States reserves the right to provide to the Court and the United States Probation Office, in connection with any presentence investigation that may be ordered pursuant to Rule 32(c) of the Federal Rules of Criminal Procedure, or in connection

  
Tod Hagins  
  
John A. Schwab  
Counsel for Dr. Hagins

  
Date  
3-4-2018  
Date

John A. Schwab  
February 20, 2018  
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with the imposition of sentence should the Court, pursuant to Rule 32(c)(1), not order a presentence investigation, relevant information including Dr. Hagins's background criminal record, offenses charged in the information and other pertinent data appearing at Rule 32(c)(2) of the Federal Rules of Criminal Procedure as will enable the Court to exercise its sentencing discretion. The United States also retains the right to respond to any questions raised by the Court, to correct any inaccuracies or inadequacies in the anticipated presentence report to be prepared by the Probation Office of this Court, and to respond to any written or oral statements made by the Court, by Dr. Hagins or by his counsel.

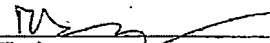
11. Dr. Hagins understands that the United States Sentencing Guidelines are now advisory and no longer mandatory. It is therefore understood that the sentencing court may ascertain and impose a sentence below or above the applicable Guideline range, so long as that sentence is reasonable and within the statutory maximum specified in the United States Code for the offense of conviction.

12. Dr. Hagins is aware that 18 U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed. Acknowledging this, and in exchange for the concessions made by the United States in this plea agreement, if Dr. Hagins's sentence is within the statutory maximum, then Dr. Hagins waives the right:


a. to appeal any order, the conviction and any sentence on any grounds, including those grounds set forth in 18 U.S.C. § 3742; and

b. to challenge the conviction or the sentence or the manner in which it was determined in any post-conviction proceeding, including any proceeding under 28 U.S.C. § 2255. Nothing in this paragraph, however, will act as a bar to Dr. Hagins perfecting any legal remedies he may otherwise have on appeal or collateral attack respecting claims of ineffective assistance of counsel or prosecutorial misconduct. Dr. Hagins agrees that there is currently no known evidence of ineffective assistance of counsel or prosecutorial misconduct.

13. As part of this agreement, Dr. Hagins agrees to relinquish his medical licenses in West Virginia, Ohio, Pennsylvania and California, and in any other state in which he holds a medical license, no later than the date of sentencing. Dr. Hagins further

  
\_\_\_\_\_  
Tod Hagins

3/8/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John A. Schwab  
Counsel for Dr. Hagins

3-8-2018  
\_\_\_\_\_  
Date

John A. Schwab  
February 20, 2018  
Page 6

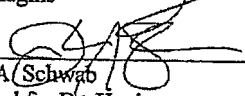
agrees that he will not seek reinstatement of any medical license he presently holds, nor will he seek a new medical license, nor will he seek employment in any position which requires or permits him to handle or dispense controlled substances during any time period in which he is serving a term of imprisonment. Dr. Hagins also agrees that as a condition of any period of supervised release, he will not seek reinstatement of any medical license he presently holds, nor will he seek a new medical license, nor will he seek employment in any position which requires or permits him to handle or dispense controlled substances.

14. Dr. Hagins understands that mandatory restitution is required in this case and agrees to make restitution to the victim of the crime charged in Count Two of the Information. Dr. Hagins agrees to make restitution to the West Virginia Medicaid Fraud Control Unit in the amount of \$809.62.

15. Dr. Hagins understand that forfeiture will be part of the sentence imposed in this case, and Dr. Hagins agrees to the forfeiture of his interest in the any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense. Dr. Hagins stipulates that the amount of the proceeds of his offense conduct is \$130,160.00 which represents a portion of the proceeds Dr. Hagins received in connection with his role in the drug offense. Dr. Hagins agrees to the entry of a forfeiture personal money judgement in the amount of \$130,160.00. Dr. Hagins agrees to satisfy the forfeiture money judgment obligation before making any payment to satisfy any other financial obligation except the payment of the special assessment. Dr. Hagins stipulates that substitute property is subject to forfeiture because, as a result of Dr. Hagins's acts and omissions, all property subject to direct forfeiture is not available for forfeiture for the reasons described in for the reasons described in 21 U.S.C. § 853(p)(1), subparagraphs (A) – (E). Until the value of such property subject to direct forfeiture has been forfeited, Dr. Hagins will not contest the forfeiture of any substitute asset the government seeks to forfeit. Dr. Hagins hereby waives all interest in any property subject to this plea agreement in any administrative or judicial forfeiture proceeding, whether criminal or civil, state or federal. Dr. Hagins also agrees to consent to the entry of orders of forfeiture for such property and waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, the announcement of the forfeiture at sentencing, and the incorporation of the forfeiture in the judgment. Dr. Hagins agrees to take all steps as requested by the United States to pass clear title to forfeitable assets to the United States, and to testify truthfully in any judicial forfeiture proceeding. Dr. Hagins also

  
Tod Hagins

3/8/18  
Date

  
John A. Schwab  
Counsel for Dr. Hagins

3-8-2018  
Date

John A. Schwab  
February 20, 2018  
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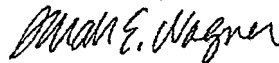
waives all constitutional and statutory challenges in any manner (including direct appeal, habeas corpus, or any other means) to any forfeiture carried out in accordance with this plea agreement on any grounds, including that the forfeiture constitutes an excessive fine or punishment. Dr. Hagins further waives any failure by the Court to advise Dr. Hagins of the applicable forfeiture at the time the guilty plea is accepted as required by Rule 11(b)(1)(J).

Additionally, Dr. Hagins waives any and all interest that he may have in the original patient and/or medical records that were taken from his business during the course of the investigation and that are currently in the custody of the government, and agrees that the government may dispose of such records.

16. If Dr. Hagins's plea is not accepted by the Court or is later set aside or if Dr. Hagins breaches any part of this agreement, then the Office of the United States Attorney will have the right to void this agreement.

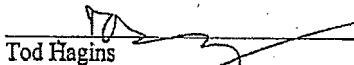
17. The above sixteen (16) paragraphs constitute the entire agreement between Dr. Hagins and the United States of America in this matter. There are no agreements, understandings or promises between the parties other than those contained in this agreement.

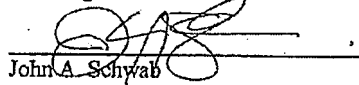
Sincerely,  
WILLIAM J. POWELL  
United States Attorney



By: Sarah E. Wagner  
Assistant United States Attorney

As evidenced by my signature at the bottom of the seven (7) pages of this letter agreement, I have read and understand the provisions of each paragraph herein and, hereby, fully approve of each provision.

  
Tod Hagins

  
John A. Schwab  
Counsel for Dr. Hagins

3/8/18  
Date

2-8-2018  
Date



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

~~Plaintiff,~~

v.

Criminal Action No. 5:18CR7  
(STAMP)

TOD HAGINS, M.D.,

Defendant.

O R D E R

On April 16, 2018, came the United States of America, by Assistant United States Attorney Sarah E. Wagner, and also came the defendant, Tod Hagins, M.D., in person and by his attorney, John A. Schwab, Esq.

Counsel for the United States advised the Court that it had entered into a plea agreement with the defendant, which the Government then summarized for the Court. The defendant stated in open court that he fully understands and agrees with the terms of the plea agreement, and that no other agreements had been made between him and the Government. The Court noted that while the plea agreement contains certain non-binding recommendations pursuant to Federal Rule of Criminal Procedure 11(c), the Court will not at this time accept or reject the plea agreement and recommendations contained therein until the Court has had an opportunity to receive and review a presentence report. The Court advised the parties that it is not bound by the stipulation contained in the plea agreement and will defer action upon the stipulation until receiving and reviewing the presentence report.

EXHIBIT  
C

The Court explained to the defendant that the plea agreement contains a waiver of appellate rights. The defendant indicated that he understands the waiver.

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~~The Court ORDERED the plea agreement filed.~~

The Court confirmed that the defendant had received and reviewed the information in this matter with his attorney. The defendant waived the reading of the information. The Court advised the defendant of the elements of the offense charged in Counts One, Two and Three to which the defendant proposed to enter a plea of guilty. Then the Court advised the defendant of the minimum and maximum sentence for Counts One, Two and Three. The Court also advised the defendant that as part of the fine, he could be required to pay the costs of imprisonment, community confinement, or supervision. The Court also informed the defendant of the mandatory special assessment applicable to this case.

The Court informed the defendant that under the Sentencing Reform Act of 1984 certain Sentencing Guidelines may be applicable to this case in an advisory capacity. The defendant stated that he had reviewed the various factors taken into consideration by the Sentencing Guidelines with his attorney, and that he understood that a sentence would not be determined until after the United States Probation Office had prepared a presentence report. The Court noted that it is not bound by the Guidelines in imposing sentence. The Court also noted that it is not bound by the recommendations in the plea agreement, and that according to the

defendant's plea agreement, the defendant does not have the right to withdraw his guilty plea if the Court does not follow the non-binding recommendation in the plea agreement.

~~The Court advised the defendant of his right to have this~~  
matter presented to a Grand Jury and explained the Grand Jury process. The defendant stated in open court that he saw no benefit of having the case presented to the Grand Jury and no prejudice in proceeding by information. The Court read the Waiver of Indictment form to the defendant, who then signed the form in open court.

The Court advised the defendant of his right to plead not guilty and maintain that plea during a trial before a jury of his peers. The Court also informed the defendant of the right to be represented by counsel during trial, the right not to testify, and the right to have the Government prove its case beyond a reasonable doubt. The Court also noted that the jury's verdict must be unanimous. The defendant stated in open court that he understood all of these rights and understood that he would be giving up all of these rights by entering a plea of guilty. The defendant and his counsel stated that the defendant understood all of the consequences of pleading guilty.

The Government called Special Agent Guy P. McCartney of the Drug Enforcement Administration to present a factual basis for the plea. Counsel for the defendant did not cross-examine Special Agent McCartney. Neither the defendant nor defendant's counsel had

corrections or additions to make to Special Agent McCartney's testimony.

The Court reviewed with the defendant all of the rights that ~~are forfeited by tender of a plea of guilty and the factual basis~~ for the proposed plea of guilty. The defendant then entered a plea of GUILTY to Counts One, Two and Three of the information.

The defendant stated that the plea was not a result of any threat, coercion or harassment and that the plea was not the result of any promises except those promises contained in the plea agreement.

The defendant further stated that his attorney had adequately represented him in this matter and that neither he nor his attorney had found any defense to the charges contained in Counts One, Two and Three of the information.

The defendant stated that he was in fact guilty of the crime charged in Counts One, Two and Three of the information.

Based upon the defendant's statements and the testimony of Special Agent McCartney, the Court finds that the defendant is competent to enter a plea, that the plea is freely and voluntarily given, that the defendant is aware of the nature of the charges against him and the consequences of his plea, and that a factual basis exists for the tendered plea. Accordingly, the Court hereby ACCEPTS the plea of GUILTY to Counts One, Two and Three of the information. The Court stated that it will defer adjudging the defendant GUILTY of the crime charged in Counts One, Two and Three

of the information until the time of sentencing. Pursuant to Federal Rule of Criminal Procedure 11(c) and United States Sentencing Guideline § 6B1.1(c), acceptance of the proposed plea ~~agreement and nonbinding recommendations are deferred until the~~ Court has received and reviewed the presentence report prepared in this matter.

Pursuant to United States Sentencing Guideline § 6A1 et seq., it is hereby ORDERED that:

1. The Probation Office undertake a presentence investigation of Tod Hagins, M.D. and prepare a presentence report for the Court;
2. Pursuant to Federal Rule of Criminal Procedure 32(e)(3), the United States Probation Officer is directed not to disclose to the defendant, the defendant's counsel, or the attorney for the Government the Probation Officer's recommendation, if any, on the sentence;
3. The presentence report be disclosed to the defendant, defense counsel, and the Government at least thirty-five (35) days before sentencing;
4. Within fourteen (14) days after receiving the presentence report, counsel file and serve written sentencing statements and objections to the presentence report, if any;
5. The defendant, Tod Hagins, M.D., appear before the Court as later directed by the Court for sentencing or such other disposition as may be pronounced against him;

6. A personal recognizance bond was established under which the defendant was released.

The Clerk is directed to transmit copies of this Order to ~~counsel of record herein, the defendant, and all appropriate~~ agencies.

DATED: April 16, 2018

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,  
Bureau of Professional and  
Occupational Affairs  
vs.

File No.: 18-49-03583

Tod Hagins, M.D.,  
Respondent

Docket No: -49-18

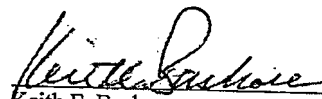
CERTIFICATE OF SERVICE

I, Keith E. Bashore, hereby certify that I have this 20<sup>th</sup> day of April, 2018,  
caused a true and correct copy of the foregoing Petition and Order of Immediate Temporary  
Suspension to be served upon all parties of record in this proceeding in accordance with the  
requirements of Section 33.31 of the General Rules of Administrative Practice and Procedure, 1  
Pa. Code § 33.31 (relating to service by the agency).

PERSONAL SERVICE AND CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:

Tod Hagins, M.D.  
109 Avalon Estates  
Wintersville, OH 43953

9171 9690 0935 0158 8389 10

  
Keith E. Bashore  
Prosecuting Attorney  
Commonwealth of Pennsylvania  
Department of State

P. O. Box 69521  
Harrisburg, PA 17106-9521  
(717) 783-7200